

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	)	Attorney Docket No. 37011-6
	)	
Stephen R. Ash	)	Before the Examiner
	)	
Serial No. 09/143,143	)	J. Pak
	)	
Filed August 28, 1998	)	Group Art Unit 1616
	)	
METHOD FOR IRON DELIVERY	)	
TO A PATIENT BY TRANSFER	)	
FROM DIALYSATE	)	November 10, 2000



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## TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(c)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Petitioner, Makoff R&D Laboratories, Inc., a California corporation, having a place of business at 4640 Admiralty Way, Suite 710, Marina del Rey, California 90292, is the owner of one hundred percent (100%) interest in and to the following:

U.S. Patent No. 5,906,978, issued on May 25, 1999, for METHOD FOR IRON DELIVERY TO A PATIENT BY TRANSFER FROM DIALYSATE, (issuing on Application Serial No. 08/869,331, filed on June 5, 1997); and

The above-identified Application Serial No. 09/143,143, filed on August 28, 1998, for METHOD FOR IRON DELIVERY TO A PATIENT BY TRANSFER FROM DIALYSATE (Continuation of Application Serial No. 08/869,331).

This ownership is evidenced by the following documents: Assignment from Stephen R.

Ash to HemoCleanse, Inc., recorded on November 10, 1997 at Reel 8817, Frame 0661; and

Inventor: Stephen R. Ash  
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Assignment by HemoCleanse, Inc. to Petitioner recorded on September 28, 1998 at Reel 9487, Frame 0959. Petitioner has reviewed the evidentiary documents and certifies that, to the best of Petitioner's knowledge and belief, title to the application is in the Petitioner.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 of U. S. Patent No. 5,906,978, issued on May 25, 1999, for METHOD FOR IRON DELIVERY TO A PATIENT BY TRANSFER FROM DIALYSATE. Petitioner agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U. S. Patent No. 5,906,978 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U. S. Patent No. 5,906,978, in the event such patent: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term.

The fee required by 37 C.F.R. §1.20(d) is being submitted herewith.

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The undersigned is empowered and authorized to act on behalf of the Petitioner in making this Terminal Disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Makoff R&D Laboratories, Inc.

By:

Date: 11/10/2000

  
Signature

JUR STROBOS

Typed or Printed Name

Vice President

Clinical and Regulatory Affairs

Title

37011-6:107483

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